

Message Text

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ACTION EB-08

INFO OCT-01 EA-10 ISO-00 CAB-02 CIAE-00 COME-00

DOT-00 INR-10 NSAE-00 FAA-00 L-03 SS-15 PM-05

/054 W

-----029401 010601Z /23

R 010210Z AUG 78

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 9401

SECDEF WASHDC

INFO HQUSAF WASHDC

NAVY JAG WASHDC

CINCPAC HONOLULU HI

CINCPACAF HICKAM AFB HI

CINCPACFLT PEARL HARBOR HI

CINCPACREPPH SUBIC BAY RP

13THAF CLARK AB RP

C O N F I D E N T I A L MANILA 13141

HQUSAF, CINCPAC, CINCPACAF, CINCPACFLT CINCPACREPPH, 13AF FOR
JA

E.O. 11652: GDS

TAGS: MARR, RP

SUBJECT: AERO CLUBS

REF: (A) MANILA 1223, (B) MANILA 3019

1. SUMMARY: CIVIL AERONAUTICS ADMINISTRATION (CAA) HAS
ISSUED DIRECTIVE IMPLEMENTING PRESIDENTIAL DECREE (PD)
1278 WHICH DOES NOT SOLVE REGISTRATION PROBLEMS. WE ARE
ASKING PHILIPPINE AIR FORCE (PAF) AND CAA ASSISTANCESWPBO OBVIATE REG
ISTRATION REQUIREMENT. DEPARTMENT REQUESTED
TO CONFIRM THAT REGISTRATION NOT POSSIBLE AND THAT CAB
SPECIAL REGULATION 375 OR ITS EQUIVALENT STILL IN FORCE.

END SUMMARY

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2. DURING PREPARATION BY CAA OF THE RULES IMPLEMENTING
PD 1278 ON AERO CLUBS, A CAA ATTORNEY GAVE EMBASSY LEGAL

OFFICER (LO) A DRAFT THAT LOOKED ALMOST ACCEPTABLE:
IT REQUIRED RP REGISTRATION OF AIRCRAFT OWNED BY MEMBERS
OF AERO CLUBS IMPLYING THAT U.S. OWNED AIRCRAFT NEED NOT

BE REGISTERED. HOWEVER, AS FINALLY PUBLISHED AND INTERPRETED BY CAA, EVEN USG-OWNED AERO CLUB AIRCRAFT MUST BE REGISTERED COMPLETE WITH NATIONALITY CHANGE.

3. ON JULY 20, SHORTLY AFTER LEARNING OF THIS DEVELOPMENT, LO CONTACTED COL. HERNANDO, PAF FIRST DIVISION DIRECTOR OF OPERATIONS, AND INFORMED HIM OF THE DIFFICULTIES THE NEW REGULATION GAVE US. THIS MEETING WAS FOLLOWED ON JULY 27 WITH A SESSION INVOLVING LO, CAA ATTORNEYS AND HERNANDO AND ON JULY 28 WITH GENERAL SINGSONG, DIRECTOR OF CAA. HERNANDO AND THE CAA ATTORNEYS NOW AGREE THAT PD 1278 WAS A MISTAKE. HERNANDO IS WILLING TO GO ALONG WITH WHATEVER THE CAA DECIDES.

4. THE CAA ATTORNEYS ARE RELUCTANT TO AMEND THEIR REGULATION (BUT HAVE NOT RULED THIS OUT) AND SUGGEST THAT IT IS NECESSARY TO AMEND THE PD (WHICH THEY CLAIM NOT TO HAVE SEEN BEFORE PUBLICATION). SINGSONG'S POSITION IS QUITE UNCLEAR. HIS STAFF HAS CONVINCED HIM THAT REGISTRATION IS REQUIRED UNDER PHILIPPINE LAW (ALTHOUGH NO ONE HAS PRODUCED A DOCUMENT TO THAT EFFECT), AND HE DOES NOT BELIEVE THAT THE U.S. MILITARY CANNOT REGISTER THEIR AERO CLUB AIRCRAFT HERE. HE IS FRIENDLY AND APPEARS WILLING TO HELP BUT INSISTS SOMEWHAT VAGUELY THAT THE USG MUST ALSO "COMPROMISE" SO THAT THE RP WILL HAVE A "SEMBLANCE OF AUTHORITY" OVER THE AIRCRAFT. HE STATED THAT ALTHOUGH

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IN THE U.S., GOVERNMENT IS 95 PERCENT WRITTEN AND 5 PERCENT UNWRITTEN (I.E. FLEXIBLE) AND THE SITUATION IS THE REVERSE IN THE RP, STILL HIS EXPERIENCE AS PHILIPPINE MILITARY LIASON OFFICER AT CLARK HAD CONVINCED HIM THE USG COULD DO ANYTHING IT WANTED TO. THESE AND OTHER EQUALLY VAGUE GENERALIZATIONS WHICH HE WOULD NOT EXPLAIN LEFT ALL PARTICIPANTS SOMEWHAT PERPLEXED AS TO HIS POSITION.

5. SINGSONG ASKED THE LO TO PREPARE A MEMORANDUM EXPLAINING THE U.S. POSITION AND PROMISED A PROMPT RESPONSE TO ANY SUBMISSION. HE ALSO SUGGESTED WASHINGTON BE REQUESTED TO RECONSIDER ITS POSITION ON REGISTRATION.

6. WE ARE DRAFTING A PAPER WHICH WE WILL PRESENT THIS WEEK. ONE HELPFUL INCLUSION WILL BE A 1966 CAA MEMORANDUM WHICH QUOTES FROM OUR 1958 FEDERAL AVIATION ACT AND CAB SPECIAL REGULATION 375 AUTHORIZING OPERATION OF FOREIGN-REGISTERED NON-COMMERCIAL AIRCRAFT WITHOUT PRIOR PERMIT OR LIMIT AS TO DURATION. THE MEMORANDUM RECOMMENDED ADOPTION OF SIMILAR PROVISION HERE AS ONE OF SEVERAL

OPTIONS TO SOLVE AERO CLUB REGISTRATION PROBLEMS THAT APPARENTLY EXISTED OR WERE THOUGHT TO EXIST IN 1966.

7. ACTION REQUESTED: CONFIRMATION (1) THAT REGISTRATION OF USG OWNED AERO CLUB AIRCRAFT IS OUT OF THE QUESTION (WITH CITATION, IF ANY) AND (2) THAT CAB SPECIAL REGULATION 375 OR ITS EQUIVALENT IS STILL IN FORCE. MURPHY

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NNN

Message Attributes

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Disposition Approved on Date:
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Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
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